

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 301

HOUSE BILL 2477

AN ACT

AMENDING TITLE 38, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-1105; RELATING TO LAW ENFORCEMENT OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 8, article 1, Arizona Revised Statutes,
3 is amended by adding section 38-1105, to read:

4 38-1105. Law enforcement officers as witnesses; right to
5 representation; confidential information; definition

6 A. IF A LAW ENFORCEMENT OFFICER IS DESIGNATED AS A WITNESS BY THE LAW
7 ENFORCEMENT OFFICER'S EMPLOYER IN AN INVESTIGATION THAT COULD LEAD TO ANOTHER
8 LAW ENFORCEMENT OFFICER'S DISMISSAL, DEMOTION OR SUSPENSION, THE WITNESS LAW
9 ENFORCEMENT OFFICER MAY REQUEST TO HAVE A REPRESENTATIVE PRESENT AT NO COST
10 TO THE EMPLOYER DURING THE WITNESS INTERVIEW. UNLESS AGREED TO BY THE
11 EMPLOYER, THE REPRESENTATIVE SHALL BE FROM THE SAME AGENCY AND SHALL NOT BE
12 AN ATTORNEY EXCEPT THAT IF A REPRESENTATIVE FROM THE SAME AGENCY IS NOT
13 REASONABLY AVAILABLE, WITH THE EMPLOYER'S PERMISSION, THE WITNESS LAW
14 ENFORCEMENT OFFICER'S REPRESENTATIVE MAY BE FROM THE WITNESS LAW ENFORCEMENT
15 OFFICER'S PROFESSIONAL MEMBERSHIP ORGANIZATION.

16 B. THE WITNESS LAW ENFORCEMENT OFFICER SHALL ANSWER ALL QUESTIONS
17 ASKED BY THE LAW ENFORCEMENT OFFICER'S DEPARTMENT INVESTIGATOR, AND
18 INFORMATION LEARNED DURING A WITNESS INTERVIEW IS CONSIDERED PROPRIETARY AND
19 CONFIDENTIAL BY THE EMPLOYER AND SHALL REMAIN SO UNTIL THE WITNESS LAW
20 ENFORCEMENT OFFICER IS SERVED WITH A NOTICE OF INVESTIGATION BY THE EMPLOYER
21 OR THE WITNESS LAW ENFORCEMENT OFFICER IS RELEASED FROM THE CONFIDENTIALITY
22 REQUIREMENTS OF THIS SECTION.

23 C. THE WITNESS LAW ENFORCEMENT OFFICER MAY DISCUSS THE LAW ENFORCEMENT
24 OFFICER'S WITNESS INTERVIEW WITH THE WITNESS LAW ENFORCEMENT OFFICER'S
25 REPRESENTATIVE OR THE REPRESENTATIVE'S LEGAL COUNSEL. IF THE WITNESS LAW
26 ENFORCEMENT OFFICER OR THE WITNESS LAW ENFORCEMENT OFFICER'S REPRESENTATIVE
27 RELEASES INFORMATION WITHOUT AUTHORIZATION, THE EMPLOYER MAY SUBJECT THE
28 WITNESS LAW ENFORCEMENT OFFICER OR THE WITNESS LAW ENFORCEMENT OFFICER'S
29 REPRESENTATIVE TO DISCIPLINARY ACTION.

30 D. THIS SECTION DOES NOT PREEMPT AGREEMENTS THAT SUPPLANT, REVISE OR
31 OTHERWISE ALTER THE PROVISIONS OF THIS SECTION, INCLUDING PREEXISTING
32 AGREEMENTS BETWEEN THE EMPLOYER AND THE WITNESS LAW ENFORCEMENT OFFICER OR
33 THE WITNESS LAW ENFORCEMENT OFFICER'S PROFESSIONAL MEMBERSHIP ORGANIZATION.

34 E. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT OFFICER" MEANS:

35 1. AN INDIVIDUAL, OTHER THAN A PROBATIONARY EMPLOYEE, WHO IS CERTIFIED
36 BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD, OTHER THAN A
37 PERSON EMPLOYED BY A MULTI-COUNTY WATER CONSERVATION DISTRICT.

38 2. A DETENTION OFFICER OR CORRECTION OFFICER, OTHER THAN A JUVENILE
39 DETENTION OFFICER OR PROBATIONARY EMPLOYEE, WHO IS EMPLOYED BY THIS STATE OR
40 A POLITICAL SUBDIVISION OF THIS STATE.

APPROVED BY THE GOVERNOR APRIL 28, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2011.

Passed the House February 28, 2011

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

[Signature]
Speaker of the House
Pro Tempore

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 19, 2011

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Chawmin Bellifon
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2477

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 19, 2011,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 2011,

at 8:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 28th day of

April, 2011,

at 3:01 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28th day of April, 2011,

H.B. 2477

at 4:01 o'clock P. M.

[Signature]
Secretary of State